

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

July 17, 2000

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Sims, Associate Justice; Kolkey, Associate Justice; and Rios, Bailiff. Calendar called.

C032254 SCHENONE et al., v. MALMBERG

Cause called. Steven G. Hanson argued for appellant. Richard L. Kimbell argued for respondents. Cause submitted.

At 9:54 a.m., court recessed. At 9:56 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Raye, and Associate Justice Kolkey.

C030507 THE PEOPLE v. SHEPARD

Cause called. Kim D. Scovis argued for appellant. Brett H. Morgan, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:20 a.m., court recessed. At 10:25 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison, and Associate Justice Kolkey.

C026812 JOHN J. BAKES et al., v. REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.

Cause called. Christopher J. Bakes argued for appellants with additional citations. Paul A. Dorris argued for respondents Regents of the University of California et al. Martin Stein argued for respondents Regents of the University of California et al. Sara A. Clark appeared for respondent Franklin Chinn Jr. but did not argue. Cause submitted. (Consolidated with C029011.)

C029011 JOHN J. BAKES et al., v. REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.

Cause called. Christopher J. Bakes argued for appellants with additional citations. Paul A. Dorris argued for respondents Regents of the University of California et al. Martin Stein argued for respondents Regents of the University of California et al. Sara A. Clark appeared for Respondent Franklin Chinn Jr. but did not argue. Cause submitted. (Consolidated with C026812.)

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C031696 THE PEOPLE v. HOBBS

Cause called. Ann Hopkins, court appointed counsel, argued for appellant. Janet E. Neeley, Deputy Attorney General, argued for respondent. Cause submitted.

At 12:05 p.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Morrison.

C031769 POTTER v. BROCKSEN

Cause called. Cause continued to last case on calendar.

At 2:01 p.m., court recessed. At 2:05 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Hull.

**C024576 PLANNING AND CONSERVATION LEAGUE et al., v. DEPARTMENT
OF WATER RESOURCES et al., and CENTRAL COAST WATER
AUTHORITY**

Cause called. Antonio Rossman argued for appellants Planning and Conservation League et al. Marian E. Moe, Deputy Attorney General, argued for respondents Department of Water Resources et al. Susan F. Petrovich argued for respondents Central Coast Water Authority. Cause submitted.

At 3:40 p.m., court recessed. At 3:45 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Morrison.

C031769 POTTER v. BROCKSEN

Cause called. Bruce K. Childers argued on behalf of respondent. No appearance was made on behalf of appellant. Cause submitted.

At 3:50 p.m., court recessed until Tuesday, July 18, 2000, at 9:30 a.m.

C032760 THE PEOPLE v. MACK

(Not for Publication)

The judgment is affirmed.

SIMS, J.

We concur: Scotland, P.J.
Raye, J.

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The Minutes

July 17, 2000 Continued

- C032883 THE PEOPLE v. BROWN (Not for Publication)**
The judgment is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Raye, J.
- C034142 THE PEOPLE v. GILBERT (Not for Publication)**
The judgment is modified to provide for a \$50 criminal laboratory analysis fee (Health & Saf. Code, § 11372.5), a \$50 state penalty assessment (Pen. Code, § 1464), and a \$35 county assessment (Gov. Code, § 76000.) The trial court is directed to prepare an amended abstract of judgment accordingly as well as to correct the abstract to reflect that defendant was sentenced as a two striker and that the other \$200 fine was imposed pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Callahan, J.
- C033829 In re RYLAN E.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION
 v. LISA E. (Not for Publication)**
The orders of the juvenile court are affirmed.
 KOLKEY, J.
We concur: Sims, Acting P.J.
 Morrison, J.

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July 18, 2000

At 9:37 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Davis, Acting Presiding Justice; Hull, Associate Justice; Kolkey, Associate Justice; and Castillo, Bailiff. Calendar called.

C029558 ASHE et al., v. TECO, INC.

Cause called. Claudia J. Robinson argued for appellant. Robert Buccola argued for respondents. Cause submitted.

At 10:18 a.m., court recessed. At 10:21 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Kolkey.

**C029159 KHAJAVI v. FEATHER RIVER ANESTHESIA MEDICAL GROUP INC.,
et al.**

Cause called. Rosemary Kelley argued for appellant. Robert P. Biegler argued for respondents Feather River Anesthesia Medical Group Inc., et al. David A. Frenznick argued for respondent Robert Del Pero. Cause submitted. (Consolidated with C030087.)

**C030087 KHAJAVI v. FEATHER RIVER ANESTHESIA MEDICAL GROUP INC.,
et al.**

Cause called. Charles L. Post argued for appellant. Robert P. Biegler argued for respondents Feather River Anesthesia Medical Group Inc., et al. Cause submitted. (Consolidated with C029159.)

At 11:33 a.m., court recessed. At 11:35 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Morrison.

C034078 THE PEOPLE v. STOUT

Cause called. David Andrew Eldridge, Deputy Attorney General, argued for appellant. Shama H. Mesiwala, Central California Appellate Program, argued for respondent. Cause submitted.

At 12:10 p.m., court recessed. At 12:13 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison, and Associate Justice Kolkey.

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The Minutes

July 18, 2000 Continued

- C034417 A. TEICHERT & SONS, INC., v. WORKERS' COMPENSATION APPEALS BOARD et al.**
Cause called. Carin C. Kaeser argued for petitioner. David G.W. Belden argued for respondent Graves. No appearance was made on behalf of respondent Workers' Compensation Appeals Board et al. Cause submitted.
- At 12:41 p.m., court recessed. At 2:04 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Raye, and Associate Justice Callahan.
- C031171 THE PEOPLE v. BROWN**
Cause called. Robert Wayne Gehring, court appointed counsel, argued for appellant. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.
- At 2:18 p.m., court recessed. At 2:23 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Raye, and Associate Justice Morrison.
- C030485 THE PEOPLE v. SHERWIN et al.**
Cause called. Harry Joseph Colombo, Supervising Deputy Attorney General, argued for appellant. Barbara A. Carroll argued for respondent Sherwin. Brent Beebe argued for himself in pro per as respondent. Marsha Beebe appeared for herself in pro per as respondent but did not argue. Hill C. Snellings argued for respondent Hofer. No appearance was made on behalf of respondents Vander et al. Cause submitted.
- At 2:59 p.m. court recessed. At 3:01 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Callahan, and Associate Justice Hull.
- C030779 AYYAR v. CALIFORNIA TAX CREDIT ALLOCATION, etc.**
Cause called. Norman Pine argued for appellant. Hiren Patel, Deputy Attorney General, argued for respondent. Cause submitted.
- C034955 In re JULIAN B.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. NORTH FORK RANCHERIA**
Cause called. John A. Maier argued for appellant. Renaldo Carboni, Deputy County Counsel, argued for respondent. Cause submitted.

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July 18, 2000 Continued

At 4:24 p.m., court recessed. At 4:26 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Morrison, and Associate Justice Callahan.

C027564 THE PEOPLE v. CROSS

Cause called. Marcia C. Levine, court appointed counsel, argued for appellant with additional citations. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:48 p.m. court recessed until Wednesday, July 19, 2000, at 9:30 a.m.

C032684 THE PEOPLE v. MURPHY (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.
 Raye, J.

C032468 THE PEOPLE v. COOK (Not for Publication)

The order is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.
 Raye, J.

C033217 In re the Marriage of MANCINELLI (Not for Publication)

The judgment (order) is affirmed. Julie shall recover her costs on appeal.

RAYE, J.

We concur: Scotland, P.J.
 Sims, J.

C034125 THE PEOPLE v. WRIGHT, JR. (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Scotland, P.J.
 Raye, J.

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July 18, 2000 Continued

- C032890 THE PEOPLE v. DEVALLE (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C032310 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is modified to award defendant an additional 34 days of conduct credit. The superior court is directed to modify its records accordingly and to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C033866 In re CHRISTIAN H. AND AMBER P.; DEPARTMENT OF HUMAN SERVICES v. MICHELLE D. (Not for Publication)**
Based on this record, the trial court did not abuse its discretion in denying appellant reunification services pursuant to section 361.5, subdivision (b) (12). It is therefore unnecessary to consider the propriety of the court's order denying services under section 361.5, subdivision (b) (10). (*In re Jasmine C.*, *supra*, 70 Cal.App.4th at p. 76.) Accordingly, the judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Morrison, J.
 Callahan, J.

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July 19, 2000

At 9:29 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Scotland, Presiding Justice; Sims, Associate Justice; Hull, Associate Justice; and Conrad, Bailiff. Calendar called.

C032797 QUINTO etc., et al. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY (STATE OF CALIFORNIA)

Cause called. Gerald Clausen argued for petitioners. Lauren A. Machado argued for real party in interest. Cause submitted. (Consolidated with C032798.)

C032798 DOUGLAS S. OLDS v. SUPERIOR COURT OF SAN JOAQUIN COUNTY (DEPARTMENT OF TRANSPORTATION)

Cause called. Lauren A. Machado argued for real party in interest. No appearance was made on behalf of petitioner. Cause submitted. (Consolidated with C032797.)

At 9:49 a.m., court recessed. At 9:51 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Hull.

C031579 COUNTY OF SACRAMENTO v. NEPTUNE

Cause called. Martin F. Jennings argued for appellant. Keith W. Floyd, Deputy County Counsel, argued for respondent. Cause submitted.

At 9:55 a.m., court recessed. At 10:02 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Morrison.

C025631 CITY OF EL MONTE et al. v. COMMISSION ON STATE MANDATES (STATE OF CALIFORNIA)

Cause called. William D. Ross argued for appellants. Peter K. Southworth, Deputy Attorney General, argued for real party in interest-respondent. Camille Shelton argued for respondent. Cause submitted.

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C032652 THE PEOPLE v. MENEFEE (Not for Publication)
The judgment is affirmed.
CALLAHAN, J.
We concur: Scotland, P.J.
Raye, J.

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The Minutes

July 20, 2000

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Nicholson, Acting Presiding Justice; Raye, Associate Justice; Morrison, Associate Justice; and Castillo, Bailiff. Calendar called.

C032290 YOUNG et al. v. KNISLEY WELDING, INC., et al.

Cause called. Thomas S. Crary argued for appellants. Nora E. Dwyer argued for respondents Knisley Welding et al. No appearance was made on behalf of respondent Hobbs. Cause submitted.

At 10:00 a.m., court recessed until Friday, June 21, 2000, at 9:30 a.m.

C032867 TORRES v. THYSSEN ELEVATOR CO., INC.

(Not for Publication)

The judgment is affirmed. Defendant shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: Morrison, J.
 Kolkey, J.

C030361 THE PEOPLE v. SOUSA

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Davis, Acting P.J.
 Morrison, J.

C033010 THE PEOPLE v. PULIDO

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Morrison, J.
 Kolkey, J.

C030951 THE PEOPLE v. WALKER

(Not for Publication)

The appeal is dismissed to the extent it attacks the validity of the plea.

The judgment is affirmed.

NICHOLSON, J.

We concur: Blease, Acting P.J.
 Sims, J.

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July 20, 2000 Continued

- C033226 In re CHARLES B.; THE PEOPLE v. CHARLES B.**
(Not for Publication)
The judgment (order committing the minor to CYA) is affirmed.
SCOTLAND, P.J.
We concur: Blease, J.
 Davis, J.
- C033665 HANCOCK v. CITY OF GALT et al.** **(Not for Publication)**
The judgments are affirmed. The motion for sanctions is denied.
SIMS, Acting P.J.
We concur: Raye, J.
 Callahan, J.
- C034849 In re FELIPE C.; THE PEOPLE v. FELIPE C.**
(Not for Publication)
The judgment (order extending the commitment) is affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C033867 In re KELLY D.; SISKIYOU COUNTY HUMAN SERVICES
DEPARTMENT v. DARREN D.** **(Certified for Publication)**
The order reducing the frequency of appellant's visitation with the minors
is reversed, and the matter is remanded to the juvenile court, which shall
conduct a contested hearing on the proposal by HSD to modify
appellant's visitation.
NICHOLSON, J.
We concur: Davis, Acting P.J.
 Kolkey, J.

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The Minutes

July 21, 2000

At 9:33 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice; Davis, Associate Justice; and Rios, Bailiff. Calendar called.

C032909 THE PEOPLE v. MOELLER

Cause called. Lawrence A. Gibbs argued for appellant. David A. Lowe, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:56 a.m., court recessed. At 9:59 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Callahan.

C029750 THE PEOPLE v. NELSON

Cause called. Oliver J. Northup, Jr., court appointed counsel, argued for appellant. Brett H. Morgan, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:28 a.m., court recessed. At 10:30 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Callahan.

C033256 In re the Marriage of AQEEL and KHAN

Cause called. Razi A. Shah argued for appellant. Sandra R. Myers argued for respondent. Cause submitted.

At 10:54 a.m., court recessed. At 10:59 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Nicholson.

C032923 JONES v. CALIFORNIA STATE BOARD OF EQUALIZATION et al.

Cause called. Alan M. Laskin argued for appellant. Diana Cuamo, Deputy Attorney General, argued for respondent. Cause submitted.

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July 21, 2000 Continued

C029256

KELLOGG v. WAL-MART STORES, INC.

Cause called. Daniel T. McCloskey argued for appellant. James B. Berglund argued for respondent. Cause submitted.

At 2:25 p.m., court recessed. At 2:30 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson, and Associate Justice Raye.

C033190

THE PEOPLE v. CRAMER

Cause called. James F. Wilson, court appointed counsel, argued for appellant. Troy L. Nunley, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:15 p.m., court recessed until 9:30 a.m., Monday, July 24, 2000.

C033501

THE PEOPLE v. DAVIS

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Callahan, J.

Kolkey, J.

C033419

THE PEOPLE v. PETERSON

(Not for Publication)

The judgment is modified by striking the \$200 restitution fine imposed by the trial court on July 21, 1999. The \$200 restitution fine imposed on May 21, 1998, remains in effect. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver a certified copy to the Department of Corrections.

BLEASE, Acting P.J.

We concur: Sims, J.

Hull, J.

C030632

THE PEOPLE v. CHANCE

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Blease, Acting P.J.

Davis, J.

